

REMARKS

Claims 1-28 and 58-61 are pending. Claim 61 is canceled. Claims 1-9, 14-16, 19-21, 24-28, and 58-59 are newly amended. The claim amendments find support in the specification and are discussed below. In particular, support for the claim amendments of claims 1-9 and 24-28, can be found for example, at page 28, lines 13-15 and page 30, lines 24-27 of the instant specification. No new matter has been entered.

Priority Statement

The office action states that a reference to the prior applications must be inserted in the first line(s) of the specification. Applicant notes that a preliminary amendment referring to prior international application PCT/JP03/1413 was submitted on January 5, 2005. However, to ensure its entry, Applicant has again amended the specification to contain reference to the prior applications in the first line(s) of the specification.

Drawings

The office action states that Figure 4 is objected to because the description of Figure 4 refers to the figure in the singular, but there are two figures on the page listed as Figure 4. Applicant has amended the drawing page bearing Figure 4 by deleting the second of the two figures listed as Figure 4.

Specification

The office action indicates that the disclosure is objected to because of informalities found on pages 15, 18, 32, 42, and 50. The typographical errors found on pages 15 and 18 have been corrected. Complete citations of the references disclosed on pages 42 and 50 have been added. Please note the blank spacing on page 32 is due to the right and left justification of the margins in a paragraph with long chemical phrases that are not divisible. There is no intentional blank space on page 32.

35 U.S.C. 112, second paragraph

The office action states that claims 1-28 and 58-61 are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the office action contends that the metes and bounds of the recitation of a peptide or a protein of “substantially the same” sequence as a listed sequence, is not clear. Solely to advance prosecution, Applicant has removed the recitation of the phrase “substantially the same” from the instant claims, replacing it with the limitation that the amino acid sequence has at least 90% homology to the amino acid sequence of SEQ ID NO:1 or SEQ ID NO:21. Support for this amendment is found on page 30, lines 24-27 of the instant specification.

Further, the office action contends that the metes and bounds of the recitation of an amino acid sequence “represented by” a listed sequence, is not clear. Solely to advance prosecution, Applicant has removed the recitation of the phrase “represented by” from the instant claims.

Finally, the office action states that claim 61 is indefinite because it provides for the use of an antibody without providing any active positive steps delimiting how this use is actually practiced. Solely to advance prosecution, Applicant has canceled claim 61, without prejudice to later pursuing the canceled material in another application.

35 U.S.C. 101

The office action states that claims 15-23 are rejected under 35 U.S.C. 101, because the claimed material, an antibody, is directed to non-statutory subject matter.

Accordingly Applicant has amended the claims to recite an isolated antibody. Applicant contends that an isolated antibody is statutory subject matter.

The office action further states that claim 61 is rejected under 35 U.S.C. 101, because the recitation of a use without setting forth any steps in the process results in an improper definition of a process. Claim 61 has been canceled without prejudice by Applicant, rendering this rejection moot.

Conclusion

Applicant submits that all claims are allowable as written and respectfully request early favorable action by the Examiner. If the Examiner believes that a telephone conversation with Applicant's attorney/agent would expedite prosecution of this application, the Examiner is cordially invited to call the undersigned attorney/agent of record.

Date: September 24, 2007

Respectfully submitted,

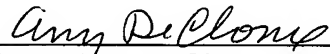
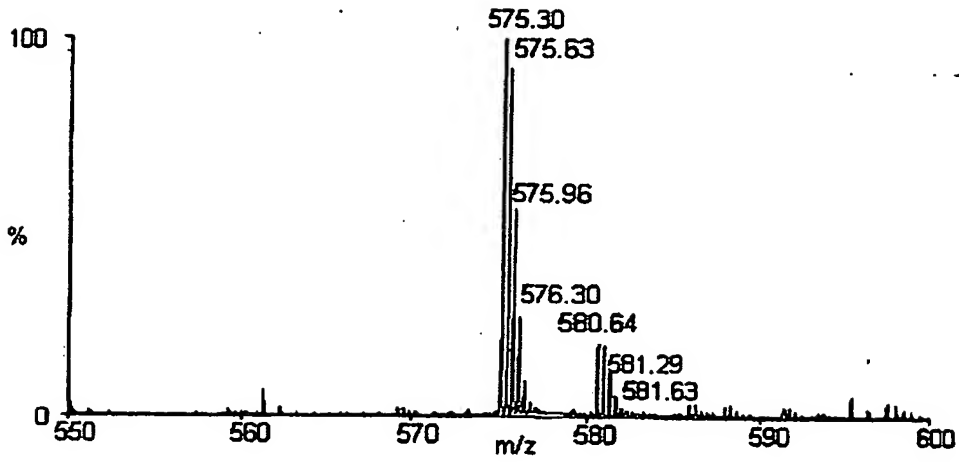
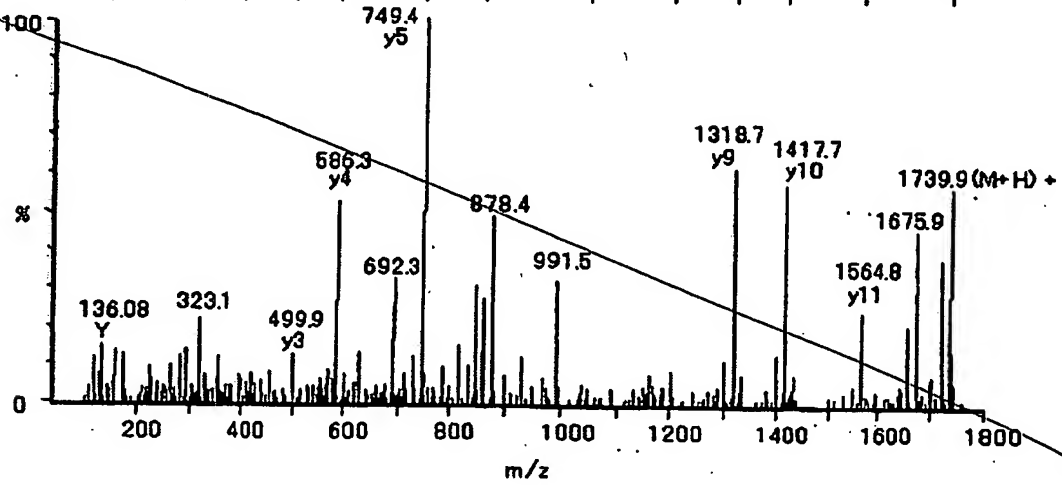

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FIG 4



K H N T S Y L W R N V F CHO-Met(O)



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